

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on April 15, 2008 has been entered. Claims 41-43 are still pending in this application, with claim 41 being independent.

In light of applicant's amendment, the objections to claims 42-43 in the Office Action filed on October 19, 2007 are withdrawn.

In light of applicant's amendment, the objection to the disclosure in the Office Action filed on October 19, 2007 is withdrawn.

Drawings

2. The drawings were received on April 15, 2008. These drawings are accepted.

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter.

Claims 41-43 appear to be allowable subject matter. The aforementioned claims appear to be novel and inventive for the following reasons. Regarding Sakamoto et al (US 2003/0137597), the reference allows for the use of an image acquired with a flash and an image acquired without a flash. However, the reference does not allow for the use of multiple images acquired without a flash. Regarding Ejima (US2002/0122133 A1), the reference allows for the use of multiple images, but utilizes variable exposure

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times rather than the existence or non-existence of a strobe. None of the referenced materials make use of all the limitations as directly recited in independent claim 41.

Conclusion

4. Any response to this office action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand - delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL A. STRIEB whose telephone number is (571)270-3528. The examiner can normally be reached on Monday-Friday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/William B. Perkey/
for Patrick Assouad, SPE of Art Unit 2862

MAS